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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/696,851
Filing Date: October 30, 2003
Appellant(s): SORENSEN, CARSTEN

Joseph R. Kelly
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 10, 2006 appealing from the Office action mailed April 7, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,901,430 to Smith.

As concerns claim 1, a communication system for communicating business information from a first business to a second business, the system comprising: an instant messaging component configured to receive, as an instant message, a business information access request from the second business and generate an output based on the business information access request (column 3, lines 35-37); a data store storing business information corresponding to the business information access request (column 3, lines 37-39); and a data store accessing system accessing the data store based on the output from the instant messaging component (column 3, lines 39-41).

As concerns claim 2, the communication system of claim 1 wherein the instant messaging component is configured to generate, as an instant message, a response to the business information access request (column 3, lines 44-46).

As concerns claim 3, the communication system of claim 2 wherein the business information access request is a data inquiry requesting data from the data store related to a business transaction, and wherein the data store accessing system is configured to access the data store by executing a query against the data store to retrieve responsive information responsive to the inquiry (column 3, lines 53-55).

As concerns claim 4, the communication system of claim 2 wherein the business information access request is a status request requesting status of a business transaction, and wherein the data store accessing system is configured to access the data store by executing a query against the data store to retrieve status information responsive to the status request (column 3, lines 50-55).

As concerns claim 5, the communication system of claim 4 wherein the instant messaging component is configured to generate the response as a status response based on the status Information (column 3, line 58).

As concerns claim 6, the communication system of claim 2 wherein the business information access request is a data update request, and wherein the data store accessing system is configured to access the data store by updating the data store based on the data update request (column 10, lines 31-35).

As concerns claim 7, the communication system of claim 6 wherein the data update request is a quote-to-order request, requesting that information in the data store indicative of a quote be updated to be indicative of an order (column 10, lines 36-47; column 19, line 28).

As concerns claim 8, the communication system of claim 2 and further comprising: an alternate response channel, other than instant messaging, wherein the instant messaging

component is configured to generate a response using the alternate response channel (column 12, lines 47-55).

As concerns claim 9, a system for communicating with a remote business, comprising: a user interface component configured to display an indication of the remote business and a plurality of features corresponding to the remote business and receive a user input indicative of a selected feature corresponding to the business information request (column 6, line 64); and an instant messaging component, coupled to the user interface component, configured to receive an indication of the business information request, generate the business information request as an instant message, and transmit the instant message to the remote business (column 3, lines 35-37).

As concerns claim 10, the system of claim 9 wherein the user interface component is configured to display one of the plurality of features as a business transaction status inquiry (column 6, line 65).

As concerns claim 11, the system of claim 9 wherein the user interface component is configured to display one of the plurality of features (column 6, line 65) as a data manipulation feature for manipulating business data at the remote business (column 3, line 10; configures).

As concerns claim 12, the system of claim 11 wherein the data manipulation feature comprises a quote-to-order feature for converting a quote to an order (column 10, lines 36-47; column 19, line 28).

As concerns claim 13, the system of claim 9 wherein the instant messaging component is configured to receive a response instant message from the remote business, responsive to the business information request (column 3, lines 44-46).

As concerns claim 14, the system of claim 13 wherein the user interface component is configured to display (column 6, line 65) the response instant message.

As concerns claim 15, a computer implemented method in a first business of communicating with a second business, comprising: receiving an instant message indicative of a data access operation requested by the second business (column 3, lines 35-37); generating a data store access operation request based on the instant message received (column 3, lines 37-39); and performing the data access operation on a business data store at the first business that stores business data related to the second business (column 3, lines 39-41).

As concerns claim 16, the method of claim 15 and further comprising: sending an instant message to the second business indicative of performance of the data access operation (column 3, lines 44-46).

As concerns claim 17,the method of claim 15 wherein the data access operation comprises an information request and wherein generating a data access operation request comprises: generating a data store query based on the information request (column 3, lines 53-55).

As concerns claim 18, the method of claim 17 wherein performing the data access operation comprises: executing the data store query against the business data store (column 3, lines 53-55).

As concerns claim 19, the method of claim 15 wherein the data access operation comprises a status inquiry requesting status of a business transaction, and wherein generating a data access operation request comprises: generating a data store query based on the status inquiry (column 3, lines 53-55).

As concerns claim 20, the method of claim 15 wherein the data access operation comprises a data update operation to update data in the business data store, and wherein generating a data access operation request comprises: generating a data store update request based on the data update operation (column 10, lines 31-35).

As concerns claim 21, the method of claim 20 wherein performing the data access operation comprises: executing the data store update request against the business data store (column 10, lines 31-35).

As concerns claim 22, the method of claim 16 and further comprising: sending a responsive communication to the second business through an alternate communication channel (column 12, lines 47-55).

(10) Response to Argument

Argument A - As concerns Group I (claims 1, 9-10, 13-15 and 17-19), the Appellants argue Smith '430 does not teach or disclose "an instant messaging component" or method steps including "instant messaging" (see Appellants' Brief-page 6).

The Examiner disagrees with the Appellants since the claims are given their broadest reasonable interpretation. As such, the term "instant messaging" need not be explicitly recited by Smith '430 in order to anticipate the claims. Smith '430 discloses the use of "messages" (see Column 3, lines 39-47). The use of the term "instant" is a relative term. Smith '430 discloses "a method and system wherein a consumer is provided **real-time information**" (see Column 2, lines 59-61 - emphasis added). In order to provide the information in real-time the messages sent and received must be sent in a rapid manner as to be "instant" to the user since the information received is "real-time" information. Furthermore, there is no claim limitations drawn to steps or

structure that indicate that the messages are any different then messages sent throughout computer systems. The rapid speed of messages sent within a computer system, such as the one of Smith '430, would lead one of ordinary skill in the art to view the messages as being "instant".

Argument B-The Appellants argue Smith appears to be nothing more than a web service system (see Appellants' Brief-page 7, paragraphs 2 and 3). The Appellant further argues "there are significant differences between a web services approach to allowing customers to search for products, and using instant messaging. A number of those differences are discussed in the background portion of the present application." (see Appellant's Brief-page 7 paragraph 3).

In response, the Examiner disagrees since the Appellant has failed to identify specific claim limitations that identify those differences and how Smith'430 does not anticipate them. The Appellants reference to passages in their specification that indicate the differences are not persuasive, since although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Argument C - As concerns Group II (claims 2-5, 8, 16 and 22), the Appellants argue Smith '430 does not teach or disclose it generates a responsive instant message based on the data access request performed.

In response, the Examiner disagrees since Smith '430 discloses a reply message (see Column 3, lines 44-46). Smith '430 further discloses, "Real-time status can be provided as requested or automatically"(see Column 3, lines 24-25). The fact that the information is real-time

information and provided automatically is thus instant information that is provided in a message and therefore anticipates a responsive instant message based on a request.

Argument D – As concerns Group III (claims 6, 7, 11, 12 and 20-21), the Appellants argue Smith does not teach or suggest 1) instant messaging to perform business data accesses, 2) updating data in a data store based on such an instant message received and 3) any type of user interface component that allows a user to select a data manipulation feature as part of an instant message, which results in the updating or modification or manipulation of data in a receiving entity's data store.

In response, the Examiner disagrees since Smith '430 discloses:

1) instant messaging to perform business data accesses (see Column 3, lines 40-47; see also Argument A above),

2) updating data in a data store based on such an instant message received (see Column 11, lines 58- 59-"Inventory database…updated in real-time"; Figure 4B-422; Figure 7C –order updates; Figure 17B-updates), and

3) a user interface…which results in updating or modification or manipulation of data in a data store (see point 2 above - Column 11, lines 58- 59-"Inventory database…updated in real-time"; Figure 4B-422; Figure 7C –order updates; Figure 17B-updates; column 6, lines 64-65-user interface).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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